

# **DECLARATION OF EMERGENCY**

## **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

### **2020/2021 Oyster Season on Public Areas of Louisiana**

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953, and under the authority of R.S. 56:433 and R.S. 56:435.1.1, notice is hereby given that the Wildlife and Fisheries Commission declare the 2020/2021 oyster season as follows:

The Hackberry Bay and Bay Junop Public Oyster Seed Reservations as described in R.S. 56:434, shall open for bedding purposes at one-half hour before sunrise on Monday, November 16, 2020, and shall close to the harvest of seed oysters for bedding purposes at one-half hour after sunset on Monday, November 16, 2020.

The Hackberry Bay and Bay Junop Public Oyster Seed Reservations shall open to the harvest of market oysters at one-half hour before sunrise on Tuesday, November 17, 2020, and shall close to the harvest of market oysters at one-half hour after sunset on Monday, November 23, 2020.

Calcasieu Lake Public Oyster Area as described in R.S. 56:435.1.1 shall open one-half hour before sunrise on Friday, October 30, 2020.

These actions shall not supersede public health closures.

During the 2020/2021 open oyster season, the following provisions shall be in effect:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed grounds and reservations described above shall be limited to a daily take not to exceed 25 sacks of oysters per vessel, except for Calcasieu Lake where the daily and possession limits on the West Cove shall not exceed 15 sacks of oysters per vessel, and 10 sacks of oysters per vessel on the East side of Calcasieu Lake. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures. The daily take and possession limit shall not apply to vessels harvesting seed oysters for bedding purposes. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit, and these vessels shall not harvest oysters.

2. All vessels harvesting on the open public oyster seed grounds on Monday, November 16, 2020 shall be harvesting seed oysters for bedding purposes only and shall not have sacks or other containers typically used to hold oysters on board the harvest vessel.

3. A vessel is limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both.

4. If any person on a vessel takes or attempts to take oysters from the public oyster areas, seed grounds or reservations described above, all oysters contained on that vessel shall be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

5. The harvest of seed oysters from a public oyster seed ground or reservation shall be for the purpose of

moving the live oyster resource. The removal of more than 15 percent of non-living reef material in bedding loads is prohibited. All vessels shall allow on-board inspection and sampling of seed oyster loads by LDWF biologists and/or agents.

6. All oysters harvested from public areas, seed grounds or reservations for the purpose of market shall be uncontaminated, sealed and not gaping as described in R.S. 56:433.

7. All oysters harvested from public areas, seed grounds or reservations for the purpose of market sales shall measure a minimum of 3 inches from hinge to bill as described in R.S. 56:433.

8. Prior to leaving public oyster areas, seed grounds or reservations with oysters harvested from said public oyster areas, seed grounds or reservations, all oysters must be sacked, the number of sacks shall be recorded in a log book, and each sack shall be properly tagged.

9. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise, and during closed weekend days, shall have all oyster scrapers unshackled.

10. Harvesting in the public oyster areas will only be allowed Monday through Friday. No harvest from public oyster areas, seed grounds, or reservations shall be allowed on Saturdays and Sundays.

11. In Calcasieu Lake, oyster scrapers are prohibited. Oyster harvesting shall be limited to using hand tongs on vessels harvesting oysters, or collected by hand. Oyster tongs shall be made as a grasping device consisting of two pieces joined by a pivot or hinged like scissors used for picking up objects.

The following areas shall remain closed for the entire 2020/2021 oyster season:

1. The public oyster seed grounds and reservations, as described in Louisiana Administrative Code (LAC) 76:VII.507, LAC 76:VII.509, LAC 76:VII.511 and LAC 76:VII.513, including all areas east of Mississippi River, Louisiana Department of Health (LDH) Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7, 8, and the Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds.

2. Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII.517.

3. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII.521.

4. Sister Lake Public Oyster Seed Reservations and Lake Mechant Public Oyster Seed Ground as described in R.S. 56:434.

5. The Sabine Lake Public Oyster Area as described in R.S. 56:435.1.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

2. Adjust daily take and/or possession limits as biological or enforcement data indicate a need.

3. Adjust sacking-only areas and/or restrict the taking of seed oysters as biological or enforcement data indicate a need.

4. Reopen an area previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Prior to any action, the Secretary shall notify the Chairman of the Wildlife and Fisheries Commission of his intention to make any or all of the changes indicated above.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Louisiana Department of Health for public health concerns.

William Hogan  
Chairman

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